

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1657

In re Application of: NILSSON, Dan  
Serial No.: 10/658,376  
Filed: September 10, 2003  
For: METABOLICALLY ENGINEERED LACTIC ACID BACTERIA...  
Confirmation No.: 5425

Art Unit: 1657  
Examiner: AFREMOVA, V.  
Washington, D.C.  
Atty.'s Docket: NILSSON-6B  
Date: October 16, 2007

U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop AF  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Transmitted herewith is an [XX] Amendment After Final Rejection; page 507 from Bergey's Manual; Wikipedia, "Lactococcus lactis" in the above-identified application.

- [ ] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- [ ] Small entity status of this application under 37 CFR 1.9 and 1.27 has been previously asserted.
- [ ] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)		Small Entity		Other Than a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra		Rate	Additional Fee		Rate Additional Fee
Total	7	Minus	29	0		x 25	\$		x 50 \$
Indep.	2	Minus	3	0		x105	\$		x210 \$
First Presentation of Multiple Dependent Claim						185	\$		+370 \$
TOTAL ADDITIONAL CLAIMS FEE							\$		Total \$

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col.1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required applicant requests that this be considered a petition therefor.

[XX] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- [ ] First - \$ 60.00  
[ ] Second - \$ 230.00  
[ ] Third - \$ 525.00  
[ ] Fourth - \$ 820.00  
[ ] Fifth - \$1115.00

Other Than Small Entity

Response Filed Within

- [ ] First - \$ 120.00  
[XX] Second - \$ 460.00  
[ ] Third - \$1050.00  
[ ] Fourth - \$1640.00  
[ ] Fifth - \$2230.00

[ ] Less fees (\$ ) already paid for months extension of time on .

[ ] Please charge my Deposit Account No. 02-4035 in the amount of \$ . A duplicate copy of this sheet is attached.

[ ] A check in the amount of \$ is attached (check no. ).

[XX] Attached is Credit Card Authorization authorizing payment in the amount of \$460.00 .

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR Section 1.16 and all patent processing fees under 37 CFR Section 1.17 throughout the prosecution of the case.

This blanket authorization does not include patent issue or publication fees under 37 CFR Section 1.18.

BROWDY AND NEWMARK, P.L.L.C.  
Attorneys for Applicant(s)

Facsimile: (202) 737-3528  
Telephone: (202) 628-5197

By   
IVER P. COOPER  
Registration No. 28,005



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In re Application of:	)	Art Unit: 1657
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NILSSON, Dan	)	Examiner: AFREMOVA, V.
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Serial No.: 10/658,376	)	Washington, D.C.
	)	
Filed: September 10, 2003	)	October 16, 2007
	)	
For: METABOLICALLY ENGINEERED	)	Docket No.: NILSSON=6B
LACTIC ACID BACTERIA	)	
AND THEIR USE	)	Confirmation No.: 5425

AMENDMENT AFTER FINAL REJECTION

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401 Dulany Street  
Alexandria, VA 22314

S i r :

In response to the final rejection mailed May 18, 2007,  
please enter the following amendments and remarks.

**Amendments to the Claims** are reflected in the listing of claims  
which begins on page 2 of this paper.

**Remarks** begin on page 4 of this paper.

10/17/2007 DEHMANU1 00000084 10658376

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